

**BEFORE THE  
PHYSICIAN ASSISTANT BOARD  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**Marc David Dobson, P.A. )**

**Case No. 950-2016-000982**

**Physician Assistant )  
Certificate No. PA 22790 )**

**Respondent )  
\_\_\_\_\_ )**

**DECISION**

**The attached Stipulated Surrender and Disciplinary Order is hereby adopted as the Decision and Order of Physician Assistant Board, Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on April 23, 2019.**

**IT IS SO ORDERED April 16, 2019.**

**PHYSICIAN ASSISTANT BOARD**

**By: Maureen L. Forsyth  
Maureen L. Forsyth  
Executive Officer**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 CHRISTINE A. RHEE  
Deputy Attorney General  
4 State Bar No. 295656  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
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6 San Diego, CA 92186-5266  
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8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
**PHYSICIAN ASSISTANT BOARD**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 950-2016-000982

14 **MARC DAVID DOBSON, P.A.**  
15 **39063 Vineland Street**  
**Cherry Valley, CA 92223**

**STIPULATED SURRENDER OF**  
**LICENSE AND DISCIPLINARY ORDER**

16 **Physician Assistant License No. PA 22790,**  
17 **Respondent.**

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Maureen L. Forsyth (Complainant) is the Executive Officer of the Physician Assistant  
23 Board (Board). She brought this action solely in her official capacity and is represented in this  
24 matter by Xavier Becerra, Attorney General of the State of California, by Christine A. Rhee,  
25 Deputy Attorney General.

26 2. Marc David Dobson, P.A. (Respondent), is representing himself in this proceeding  
27 and has chosen not to exercise his right to be represented by counsel.

28 ///

3. On or about January 15, 2013, the Board issued Physician Assistant License No. PA 22790 to Respondent. Physician Assistant License No. PA 22790 was in full force and effect at all times relevant to the charges brought in Accusation No. 950-2016-000982 and will expire on October 31, 2020, unless renewed.

## JURISDICTION

4. Accusation No. 950-2016-000982 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 5, 2019. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 950-2016-000982 is attached as Exhibit A and incorporated by reference as if fully set forth herein.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 950-2016-000982. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth and/or referenced above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 950-2016-000982, agrees that cause exists for discipline and hereby surrenders his Physician Assistant License No. PA 22790 for the Board's formal acceptance.

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1           9.     Respondent understands that by signing this stipulation he enables the Board to issue  
2 an order accepting the surrender of his Physician Assistant License without further process.

3                                   **RESERVATION**

4           10.    The admissions made by Respondent herein are only for the purposes of this  
5 proceeding, or any other proceedings in which the Physician Assistant Board or other  
6 professional licensing agency is involved, and shall not be admissible in any other criminal or  
7 civil proceeding.

8                                   **CONTINGENCY**

9           11.    This stipulation shall be subject to approval by the Board. Respondent understands  
10 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
11 with the Board regarding this stipulation and surrender, without notice to or participation by  
12 Respondent. By signing the stipulation, Respondent understands and agrees that he may not  
13 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers  
14 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the  
15 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
16 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
17 be disqualified from further action by having considered this matter.

18                                   **ADDITIONAL PROVISIONS**

19           12.    This Stipulated Surrender and Disciplinary Order is intended by the parties herein to  
20 be an integrated writing representing the complete, final, and exclusive embodiment of the  
21 agreements of the parties in the above-entitled matter.

22           13.    The parties agree that copies of this Stipulated Surrender and Disciplinary Order,  
23 including copies of the signatures of the parties, may be used in lieu of original documents and  
24 signatures and, further, that copies shall have the same force and effect as originals.

25           14.    In consideration of the foregoing admissions and stipulations, the parties agree that  
26 the Board may, without further notice to or opportunity to be heard by Respondent, issue and  
27 enter the following Disciplinary Order:

28     ///

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Physician Assistant License No. PA 22790, issued to Respondent Marc David Dobson, P.A., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician Assistant License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician Assistant in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 950-2016-000982 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$11,008.50 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 950-2016-000982 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of License and Order. I understand the  
3 stipulation and the effect it will have on my Physician Assistant License No. PA 22790. I enter  
4 into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and  
5 intelligently, and agree to be bound by the Decision and Order of the Physician Assistant Board.

6  
7 DATED: 2 April 2019

Marc David Dobson  
8 MARC DAVID DOBSON, P.A.  
9 Respondent

10 ENDORSEMENT

11 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby  
12 respectfully submitted for consideration by the Physician Assistant Board of the Department of  
13 Consumer Affairs.

14 Dated:

Respectfully submitted,

15 XAVIER BECERRA  
16 Attorney General of California  
17 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General

18  
19 CHRISTINE A. RHEE  
20 Deputy Attorney General  
21 Attorneys for Complainant

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DATED:

## ENDORSEMENT

Dated: April 4, 2019

XAVIER BECERRA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General

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**Exhibit A**

**Accusation No. 950-2016-000982**



1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 CHRISTINE A. RHEE  
Deputy Attorney General  
4 State Bar No. 295656  
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5 San Diego, CA 92101  
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Telephone: (619) 738-9455  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO, Feb. 5 20 19  
BY MARIA FAGON ANALYST

9  
10 **BEFORE THE**  
11 **PHYSICIAN ASSISTANT BOARD**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 950-2016-000982

15 **MARC DAVID DOBSON, P.A.**  
39063 Vineland Street  
Cherry Valley, CA 92223

**A C C U S A T I O N**

16 **Physician Assistant License No. PA 22790,**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Maureen L. Forsyth (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer  
23 Affairs (Board).

24 2. On or about January 15, 2013, the Physician Assistant Board issued Physician  
25 Assistant License No. 22790 to Marc David Dobson, P.A. (Respondent). Physician Assistant  
26 License No. PA 22790 was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on October 31, 2020, unless renewed.

28 ///

3. On or about January 14, 2019, an Order Granting Noticed Petition for Interim Suspension Order was issued, immediately suspending Respondent's Physician Assistant License No. PA 22790, and prohibiting Respondent from practicing medicine in the State of California. Respondent remains suspended from the practice of medicine as of the date of the filing of this Accusation.

## JURISDICTION

4. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 3502 of the Code states, in pertinent part:

“(a) Notwithstanding any other provision of law, a physician assistant may perform those medical services as set forth by the regulations of the board when the services are rendered under the supervision of a licensed physician and surgeon or of physicians and surgeons approved by the board, except as provided in Section 3502.5.

“ ”

6. Section 3502.1 of the Code states, in pertinent part:

“(a) In addition to the services authorized in the regulations adopted by the Medical Board of California, and except as prohibited by Section 3502, while under the supervision of a licensed physician and surgeon or physicians and surgeons authorized by law to supervise a physician assistant, a physician assistant may administer or provide medication to a patient, or transmit orally, or in writing on a patient’s record or in a drug order, an order to a person who may lawfully furnish the medication or medical device pursuant to subdivisions (c) and (d).

“ . . .

“(c) A drug order for any patient cared for by the physician assistant that is issued by the physician assistant shall either be based on the protocols described in subdivision (a) or shall be approved by the supervising physician and surgeon before it is filled or carried out.

1           “(1) A physician assistant shall not administer or provide a drug or issue a drug  
2 order for a drug other than for a drug listed in the formulary without advance approval  
3 from a supervising physician and surgeon for the particular patient.

4           “(2) A physician assistant shall not administer, provide, or issue a drug order to  
5 a patient for Schedule II through Schedule V controlled substances without advance  
6 approval by a supervising physician and surgeon for that particular patient unless the  
7 physician assistant has completed an education course that covers controlled  
8 substances and that meets standards, including pharmacological content, approved by  
9 the board....

10           “...”

11       7.   Section 3527 of the Code states, in pertinent part:

12           “(a) The board may order the denial of an application for, or the issuance subject  
13 to terms and conditions of, or the suspension or revocation of, or the imposition of  
14 probationary conditions upon a physician assistant license after a hearing as required in  
15 Section 3528 for unprofessional conduct which includes, but is not limited to, a  
16 violation of this chapter, a violation of the Medical Practice Act, or a violation of the  
17 regulations adopted by the board or the Medical Board of California.

18           “(b) The board may order the denial of an application for, or the suspension or  
19 revocation of, or the imposition of probationary conditions upon, an approved program  
20 after a hearing a required in Section 3528 for a violation of this chapter or the  
21 regulations adopted pursuant thereto.

22           “...”

23           “(f) The board may order the licensee to pay the costs of monitoring the  
24 probationary conditions imposed on the license.

25           “...”

26       8.   Section 3528 of the Code states:

27           “Any proceedings involving the denial, suspension or revocation of the  
28 application for licensure or the license of a physician assistant, the application for

1 approval or the approval of a supervising physician, or the application for approval or  
2 the approval of an approved program under this chapter shall be conducted in  
3 accordance with Chapter 5 (commencing with Section 11500) of Part I of Division 3 of  
4 Title 2 of the Government Code.”

5 9. Section 2227 of the Code states, in pertinent part:

6 “(a) A licensee whose matter has been heard by an administrative law judge of  
7 the Medical Quality Hearing Panel as designated in Section 11371 of the Government  
8 Code, or whose default has been entered, and who is found guilty, or who has entered  
9 into a stipulation for disciplinary action with the board, may, in accordance with the  
10 provisions of this chapter:

11 “(1) Have his or her license revoked upon order of the board.

12 “(2) Have his or her right to practice suspended for a period not to exceed one  
13 year upon order of the board.

14 “(3) Be placed on probation and be required to pay the costs of probation  
15 monitoring upon order of the board.

16 “(4) Be publicly reprimanded by the board. The public reprimand may include a  
17 requirement that the licensee complete relevant educational courses approved by the  
18 board.

19 “(5) Have any other action taken in relation to discipline as part of an order of  
20 probation, as the board or an administrative law judge may deem proper.

21 “...”

22 10. Section 2234 of the Code, states, in pertinent part:

23 “The board shall take action against any licensee who is charged with  
24 unprofessional conduct. In addition to other provisions of this article, unprofessional  
25 conduct includes, but is not limited to, the following:

26 “(a) Violating or attempting to violate, directly or indirectly, assisting in or  
27 abetting the violation of, or conspiring to violate any provision of this chapter.

28 “...”

1 “(e) The commission of any act involving dishonesty or corruption which is  
2 substantially related to the qualifications, functions, or duties of a physician and  
3 surgeon.

4 “...”

5 11. Unprofessional conduct under Section 2234 of the Code is conduct which  
6 breaches the rules or ethical code of the medical profession, or conduct which is unbecoming  
7 to a member in good standing of the medical profession, which demonstrates an unfitness to  
8 practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

9 12. Section 2238 of the Code states:

10 “A violation of any federal statute or federal regulation or any of the statutes or  
11 regulations of this state regulating dangerous drugs or controlled substances constitutes  
12 unprofessional conduct.”

13 13. Section 2239 of the Code states, in pertinent part:

14 “(a) The use or prescribing for or administering to himself or herself, of any  
15 controlled substance; or the use of any of the dangerous drugs specified in Section  
16 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous  
17 or injurious to the licensee, or to any other person or to the public, or to the extent that  
18 such use impairs the ability of the licensee to practice medicine safely or more than one  
19 misdemeanor or any felony involving the use, consumption, or self-administration of  
20 any of the substances referred to in this section, or any combination thereof, constitutes  
21 unprofessional conduct...

22 “...”

23 14. Section 2242 of the Code states, in pertinent part:

24 “(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section  
25 4022 without an appropriate prior examination and a medical indication, constitutes  
26 unprofessional conduct.

27 “...”

28 ///

1       15. Section 2261 of the Code states:

2               “Knowingly making or signing any certificate or other document directly or  
3 indirectly related to the practice of medicine or podiatry which falsely represents the  
4 existence or nonexistence of a state of facts, constitutes unprofessional conduct.”

5       16. Section 2262 of the Code states, in pertinent part:

6               “Altering or modifying the medical record of any person, with fraudulent intent, or  
7 creating any false medical record, with fraudulent intent, constitutes unprofessional  
8 conduct...

9               “...”

10       17. Section 2266 of the Code states: “The failure of a physician and surgeon to maintain  
11 adequate and accurate records relating to the provision of services to their patients constitutes  
12 unprofessional conduct.”

13       18. Subsection (c) of Section 4022 of the Code defines “dangerous drug” as “[a]ny  
14 drug... that by federal or state law can be lawfully dispensed only on prescription....”

15       19. Section 1399.521.5 of Title 16 of the California Code of Regulations states, in  
16 pertinent part:

17               “In addition to the grounds set forth in section 3527, subd. (a), of the code the  
18 board may deny, issue subject to terms and conditions, suspend, revoke or place on  
19 probation a physician assistant for the following causes:

20               “(a) Any violation of the State Medical Practice Act which would constitute  
21 unprofessional conduct for a physician and surgeon.

22               “...”

23       20. Section 1399.525 of Title 16 of the California Code of Regulations states, in  
24 pertinent part:

25               “For the purposes of the denial, suspension or revocation of a license pursuant to  
26 division 1.5 (commencing with section 475) of the code, a crime or act shall be  
27 considered to be substantially related to the qualifications, functions or duties of a  
28 person holding a license under the Physician Assistant Practice Act if to a substantial

1 degree it evidences present or potential unfitness of a person holding such a license to  
2 perform the functions authorized by the license in a manner consistent with the public  
3 health, safety or welfare. Such crimes or acts shall include, but are not limited to, the  
4 following:

5 “(a) Violating or attempting to violate, directly or indirectly, or assisting in or  
6 abetting the violation of, or conspiring to violate any provision or term of the Medical  
7 Practice Act.

8 “(b) Violating or attempting to violate, directly or indirectly, or assisting in or  
9 abetting the violation of, or conspiring to violate any provision or term of the Physician  
10 Assistant Practice Act.

11 “...

12 “Any crime or act involving the sale, gift, administration, or furnishing of  
13 narcotics or dangerous drugs or dangerous devices, as defined in Section 4022, of the  
14 code.

15 “...”

16 21. Health and Safety Code section 11157 states: “No person shall issue a prescription  
17 that is false or fictitious in any respect.”

18 22. Health and Safety Code section 11173 states, in pertinent part:

19 “...

20 “(b) No person shall make a false statement in any prescription, order, report, or  
21 record, required by this division.

22 “...”

23 23. Health and Safety Code section 11368 states:

24 “Every person who forges or alters a prescription or who issues or utters an  
25 altered prescription, or who issues or utters a prescription bearing a forged or fictitious  
26 signature for any narcotic drug, or who obtains any narcotic drug by any forged,  
27 fictitious, or altered prescription, or who has in possession any narcotic drug secured  
28 by a forged, fictitious, or altered prescription, shall be punished by imprisonment in

1 the county jail for not less than six months nor more than one year, or in the state  
2 prison.”

### 3 **COST RECOVERY**

4 24. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licentiate found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
8 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
9 included in a stipulated settlement.

### 10 **FIRST CAUSE FOR DISCIPLINE**

#### 11 **(Dishonest or Corrupt Acts Substantially Related to the Practice of Medicine)**

12 25. Respondent has subjected his Physician Assistant License No. PA 22790 to  
13 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2234, subsection  
14 (e), of the Code, in that he committed dishonest or corrupt acts substantially related to the practice  
15 of medicine, as more particularly alleged hereinafter:

16 26. From in or around March 2015 through on or about September 30, 2015, Respondent  
17 was employed as a physician assistant at Ruiz Family Physicians (RFP). RFP had a policy that  
18 pain medications would not be chronically prescribed to patients. Respondent wrote prescriptions  
19 as part of his duties as a physician assistant, but was prohibited from writing prescriptions for  
20 narcotics. RFP's standard practice was to give Respondent one blank prescription slip at a time  
21 on an as-needed basis. On or about September 30, 2015, Respondent was terminated from the  
22 practice, and Respondent no longer had permission to use prescription pads from RFP.

#### 23 **Patient A<sup>1</sup>**

24 27. On or about June 24, 2016, witness I.I., RFP's office manager, received a phone call  
25 from a local pharmacist asking to verify a prescription for Patient A. The prescription was for  
26 Fentanyl,<sup>2</sup> 50-mcg, for 10 patches. The pharmacist told witness I.I. that Respondent had dropped

27 <sup>1</sup> Letters are used to protect the patients' privacy.

28 <sup>2</sup> Fentanyl, brand name Duragesic, is a Schedule II controlled substance pursuant to Health and



off a prescription for Patient A, and wanted to verify that Respondent was a physician assistant at RFP. Witness I.I. informed the pharmacist that Respondent had not worked at the practice since September 2015. In fact, witness I.I. determined that Patient A was not a patient at RFP.

28. Further investigation of Patient A's prescription records shows that Respondent wrote and pharmacies filled approximately 44 prescriptions for Patient A from on or about September 25, 2015 to on or about June 23, 2016. The prescriptions were all written on prescription pads that contained RFP's former address, which were originally kept in storage at the current practice location. The unauthorized prescriptions written by Respondent for Patient A are as follows:

FILL DATE	MEDICATION	STRENGTH	QUANTITY
September 25, 2015	Fentanyl	100 mcg	10
October 16, 2015	Oxycodone HCL-Acetaminophen <sup>3</sup>	325 mg-10 mg	60
October 16, 2015	Tramadol <sup>4</sup>	50 mg	90
October 24, 2015	Fentanyl	100 mcg	10
October 30, 2015	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
January 4, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	60
January 16, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
January 18, 2016	Fentanyl	100 mcg	10
January 23, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
January 23, 2016	Tramadol	50 mg	90
February 7, 2016	Fentanyl	100 mcg	10
February 22, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	120
February 26, 2016	Tramadol	50 mg	90
February 28, 2016	Fentanyl	100 mcg	10
March 8, 2016	Tramadol	50 mg	120
March 12, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	120
March 17, 2016	Fentanyl	100 mcg	10
March 22, 2016	Tramadol	50 mg	90
March 23, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	120
April 3, 2016	Fentanyl	100 mcg	10
April 6, 2016	Acetaminophen-Hydrocodone Bitartrate <sup>5</sup>	325 mg-10 mg	90

Safety Code section 11055, subdivision (c)(8), and a dangerous drug pursuant to Business and Professions Code section 4022.

<sup>3</sup> Oxycodone HCL-Acetaminophen, brand name Percocet, is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M), and a dangerous drug pursuant to Business and Professions Code section 4022.

<sup>4</sup> Tramadol, brand name Ultram, is a Schedule IV controlled substance according to the Controlled Substances Act.

<sup>5</sup> Acetaminophen-Hydrocodone Bitartrate, brand name Norco, is a Schedule II controlled

April 8, 2016	Tramadol	50 mg	120
April 13, 2016	Acetaminophen-Hydrocodone Bitartrate	325 mg-10 mg	120
April 14, 2016	Fentanyl	100 mcg	10
April 20, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	120
April 20, 2016	Tramadol	50 mg	120
April 23, 2016	Fentanyl	100 mcg	10
April 29, 2016	Acetaminophen-Hydrocodone Bitartrate	325 mg-10 mg.	120
May 1, 2016	Fentanyl	100 mcg	10
May 1, 2016	Tramadol	50 mg	120
May 6, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	120
May 9, 2016	Fentanyl	50 mcg	10
May 13, 2016	Fentanyl	25 mcg	10
May 13, 2016	Tramadol	50 mg	120
May 16, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
May 17, 2016	Fentanyl	75 mcg	10
May 24, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	120
May 26, 2016	Fentanyl	100 mcg	5
May 26, 2016	Tramadol	50 mg	120
June 2, 2016	Acetaminophen-Hydrocodone Bitartrate	325 mg-10 mg	120
June 7, 2016	Fentanyl	75 mcg	10
June 9, 2016	Tramadol	50 mg	120
June 20, 2016	Acetaminophen-Hydrocodone Bitartrate	325 mg-10 mg	120
June 23, 2016	Tramadol	50 mg	120

29. On or about July 15, 2016, Respondent met with police officers who questioned him about his use of RFP's prescription pads. Respondent admitted to writing prescriptions using RFP's prescription pads for Patient A started in or around August 2015. He also stated that he knew he was breaking the law and was sorry for his actions.

30. On or about November 3, 2016, an investigator for the Board interviewed Patient A, who confirmed that he had never been treated at RFP. Patient A told the investigator that Respondent never examined him, nor did he prescribe him any medication.

31. Further investigation revealed that Respondent wrote prescriptions for other patients using the outdated RFP prescription pads, which are as follows:

substance pursuant to Health and Safety Code section 1055, subdivision (b)(1)(I), and a dangerous drug pursuant to Business and Professions Code section 4022.

Patient B

32. Further investigation of Patient B's prescription records shows that Respondent wrote and pharmacies filled approximately 18 prescriptions for Patient B from on or about March 1, 2016 to on or about June 29, 2016. The prescriptions were all written on prescription pads that contained RFP's former address, which were originally kept in storage at the current practice location. Patient B was never a patient at RFP. The unauthorized prescriptions written by Respondent for Patient B are as follows:

FILL DATE	MEDICATION	STRENGTH	QUANTITY
March 1, 2016	Tramadol	50 mg	120
March 3, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
March 14, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
March 15, 2016	Tramadol	50 mg	90
March 23, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
March 27, 2016	Tramadol	50 mg	120
April 16, 2016	Tramadol	50 mg	120
April 22, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
May 1, 2016	Tramadol	50 mg	120
May 4, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
May 15, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
May 16, 2016	Tramadol	50 mg	90
May 26, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
May 31, 2016	Tramadol	50 mg	90
June 8, 2016	Oxycodone HCL-Acetaminophen	325 mg-10 mg	90
June 15, 2016	Tramadol	50 mg	120
June 22, 2016	Acetaminophen-Hydrocodone Bitartrate	325 mg-10 mg	120
June 29, 2016	Tramadol	50 mg	120

33. When the Board investigator interviewed Patient A on or about November 3, 2016, Patient A verified that Patient B was his wife, and confirmed that she had never been examined or treated by Respondent.

Patient C

34. Further investigation of Patient C's prescription records shows that Respondent wrote and a pharmacy filled one (1) prescription for Patient C from on or about October 1, 2015 for

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Alprazolam,<sup>6</sup> 2 mg, quantity 60. This prescription was written on a prescription pad that contained RFP's former address, which was originally kept in storage at the practice location. Patient C was never a patient at RFP.

Patient D

35. Further investigation of Patient D's prescription records shows that Respondent wrote and pharmacies filled approximately 12 prescriptions for Patient D from on or about March 19, 2016 to on or about June 27, 2016. The prescriptions were all written on prescription pads that contained RFP's former address, which were originally kept in storage at the practice location. Patient D was never a patient at RFP. The unauthorized prescriptions written by Respondent for Patient D are as follows:

FILL DATE	MEDICATION	STRENGTH	QUANTITY
March 19, 2016	Tramadol	50 mg	90
March 31, 2016	Acetaminophen-Hydrocodone Bitartrate	325 mg-10 mg	90
April 3, 2016	Tramadol	50 mg	90
April 21, 2016	Acetaminophen-Hydrocodone Bitartrate	325 mg-10 mg	90
April 26, 2016	Tramadol	50 mg	120
May 8, 2016	Acetaminophen-Hydrocodone Bitartrate	325 mg-10 mg	60
May 10, 2016	Tramadol	50 mg	90
May 20, 2016	Tramadol	50 mg	90
May 31, 2016	Tramadol	50 mg	90
June 13, 2016	Tramadol	50 mg	90
June 17, 2016	Acetaminophen-Hydrocodone Bitartrate	325 mg-10 mg	120
June 27, 2016	Tramadol	50 mg	120

Patient E

36. Patient E and Respondent both worked at RFP at the same time. Patient E was also an established patient at the practice. In or around August 2015, Respondent gave Patient E a prescription for Norco, 325 mg-5 mg, quantity 90, for back pain. Respondent did not perform a physical examination of Patient E, nor did he note the prescription in Patient E's medical record.

<sup>6</sup> Alprazolam, brand name Xanax, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(1), and a dangerous drug pursuant to Business and Professions Code section 4022.

1 The prescription was written on a prescription pad that contained the RFP's former address,  
2 which was kept in storage at the practice location. On or about August 3, 2015, Patient E filled  
3 this prescription. Sometime after Patient E filled this prescription, Respondent asked Patient E if  
4 he could have some of the Norco tablets. Patient E gave Respondent some of the Norco tablets.

5 Patient F

6 37. Further investigation of Patient F's prescription records shows that Respondent wrote  
7 two (2) prescriptions for Patient F. The first prescription was dated on or about August 12, 2015  
8 and was for Tramadol, 50 mg, quantity 60, with two (2) refills. The second prescription was  
9 dated on or about September 23, 2015 and was for Tramadol, 50 mg, quantity 90, with two (2)  
10 refills.

11 38. Respondent's Controlled Substance Utilization Review and Evaluation System  
12 (CURES) prescriber report shows that Patient F's prescriptions for Tramadol were filled or  
13 refilled on or about August 12, 2015, September 4, 2015, September 23, 2015, October 1, 2015,  
14 October 20, 2015, November 10, 2015, November 28, 2015, December 13, 2015, and December  
15 26, 2015. These prescriptions were written on a prescription pad that contained the practice's  
16 former address, which were originally kept in storage at the practice location. Patient F was an  
17 established patient at RFP, but these prescriptions were neither authorized nor approved by  
18 Respondent's supervising physicians.

19 Patient G

20 39. Further investigation of Patient G's prescription records show that Respondent wrote  
21 and pharmacies filled three (3) prescriptions for Patient G from on or about October 3, 2015 and  
22 February 5, 2016. The prescriptions were for Acetaminophen-Hydrocodone Bitartrate, 325 mg-  
23 10 mg, quantity 90, Alprazolam, 2 mg, quantity 60, and Oxycodone HCL-Acetaminophen, 325  
24 mg-10 mg, quantity 30. These prescriptions were written on a prescription pad that contained the  
25 practice's former address, which was originally kept in storage at the practice location. Patient G  
26 was an established patient at RFP, but these prescriptions were neither authorized nor approved  
27 by Respondent's supervising physicians.

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1        Patient H

2        40. Further investigation of Patient H's prescription records show that Respondent wrote  
3 one (1) prescription for Patient H on or about August 19, 2015 for Tramadol, 50 mg, quantity 60,  
4 with three (3) refills.

5        41. Respondent's CURES prescriber report shows that Patient H's prescriptions were  
6 filled or refilled on or about August 19, 2015, September 2, 2015, September 16, 2015,  
7 September 28, 2015, November 5, 2015, November 24, 2015, and December 10, 2015. The  
8 prescription was written on a prescription pad that contained the practice's former address, which  
9 was originally kept in storage at the practice location. Patient H was an established patient at  
10 RFP, but this prescription was neither authorized nor approved by Respondent's supervising  
11 physicians.

12        Patient I

13        42. Further investigation of Patient I's prescription records show that Respondent wrote  
14 one (1) prescription for Patient I on or about September 2, 2015 for Tramadol, 50 mg, quantity  
15 30, with two (2) refills.

16        43. Respondent's CURES prescriber report shows that Patient I's prescriptions were  
17 filled and refilled on or about September 2, 2015 and November 25, 2015. This prescription was  
18 written on a prescription pad that contained the practice's former address, which was originally  
19 kept in storage at the practice location. Patient I was an established patient at RFP, but this  
20 prescription was neither authorized nor approved by Respondent's supervising physicians.

21        Patient J

22        44. Further investigation of Patient J's prescription records show that Respondent wrote  
23 Patient J a prescription on or about August 6, 2015 for Tramadol, 50 mg, quantity 60, with five  
24 (5) refills, and another prescription on or about September 4, 2015 for Tramadol, 50 mg, quantity  
25 90, with five (5) refills.

26        45. Respondent's CURES prescriber report shows that these prescriptions were filled and  
27 refilled on or about August 6, 2015, August 18, 2015, August 31, 2015, September 12, 2015,  
28 October 12, 2015, December 6, 2015, January 23, 2016, March 17, 2016, and April 9, 2016.

1 These prescriptions were written on a prescription pad that contained the practice's former  
2 address, which was originally kept in storage at the practice location. Patient J was an established  
3 patient at RFP, but these prescriptions were neither authorized nor approved by Respondent's  
4 supervising physicians.

5 Patient K

6 46. Further investigation of Patient K's prescription records show that Respondent wrote  
7 and a pharmacy filled one (1) prescription for Patient K on or about September 4, 2015 for  
8 Tramadol, 50 mg, quantity 90, with two (2) refills.

9 47. Respondent's CURES prescriber report shows that this prescription was filled and  
10 refilled on or about September 4, 2015, October 19, 2015, and November 13, 2015. This  
11 prescription was written on a prescription pad that contained the practice's former address, which  
12 was originally kept in storage at the practice location. Patient K was an established patient at  
13 RFP, but this prescription was neither authorized nor approved by Respondent's supervising  
14 physicians.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Use or Prescribing for or Administering to Himself of Any Controlled Substance)**

17 48. Respondent has further subject his Physician Assistant License No. PA 22790 to  
18 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2239, of the Code,  
19 in that he used or administered a controlled substance to himself, as more particularly alleged in  
20 paragraph 36, above, which is hereby incorporated by reference and re-alleged as if fully set forth  
21 herein.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(False Representations)**

24 49. Respondent has further subjected his Physician Assistant License No. PA 22790 to  
25 disciplinary action under sections 3527, 2227, and 2234, as defined by section 2261, of the Code,  
26 in that he made false representations by knowingly signing prescriptions for controlled  
27 substances, falsely representing the existence of a state of facts, as more particularly alleged in

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1 paragraphs 26 through 47, above, which are hereby incorporated by reference and re-alleged as if  
2 fully set forth herein.

3 **FOURTH CAUSE FOR DISCIPLINE**  
4 **(Creating a False Medical Record with Fraudulent Intent)**

5 50. Respondent has further subjected his Physician Assistant License No. PA 22790 to  
6 disciplinary action under sections 3527, 2227, and 2234, as defined by section 2262, of the Code,  
7 in that he created false medical records with fraudulent intent, as more particularly alleged in  
8 paragraphs 26 through 47, above, which are hereby incorporated by reference and re-alleged as if  
9 fully set forth herein.

10 **FIFTH CAUSE FOR DISCIPLINE**  
11 **(Violating State or Federal Statutes Governing Dangerous Drugs)**

12 51. Respondent has further subjected his Physician Assistant License No. PA 22790 to  
13 disciplinary action under sections 3527, 2227, and 2234, as defined by section 2238, of the Code,  
14 in that he violated state and/or federal statutes regulating dangerous drugs, as more particularly  
15 alleged in paragraphs 26 through 50, above, which are hereby incorporated by reference and re-  
16 alleged as if fully set forth herein.

17 **SIXTH CAUSE FOR DISCIPLINE**  
18 **(Performing Medical Tasks Which Exceed the Scope of  
Practice of a Physician Assistant)**

19 52. Respondent has further subjected his Physician Assistant License No. PA 22790 to  
20 disciplinary action under section 3527 of the Code and subsection (d) of section 1399.521.5 of  
21 title 16 of the California Code of Regulations, in that he performed medical tasks which exceeded  
22 the scope of practice of a physician assistant, as more particularly alleged in paragraphs 26  
23 through 50, above, which are hereby incorporated by reference and re-alleged as if fully set forth  
24 herein.

25 **SEVENTH CAUSE FOR DISCIPLINE**  
26 **(Failure to Maintain Adequate and Accurate Records)**

27 53. Respondent has further subjected his Physician Assistant License No. PA 22790 to  
28 disciplinary action under sections 3527, 2227, and 2234, as defined by section 2266, of the Code,




1 in that he failed to maintain adequate and accurate records for Patient E, as more particularly  
2 alleged in paragraph 36, above, which is hereby incorporated by reference and re-alleged as if  
3 fully set forth herein.

4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and that following the hearing, the Physician Assistant Board issue a decision:

- 7 1. Revoking or suspending Physician Assistant License No. PA 22790, issued to  
8 Respondent Marc David Dobson, P.A.;
- 9 2. Ordering Respondent Marc David Dobson, P.A., to pay the Physician Assistant Board  
10 the reasonable costs of the investigation and enforcement of this case pursuant to section 125.3 of  
11 the Code;
- 12 3. Ordering Respondent Marc David Dobson, P.A., if placed on probation, to pay the  
13 Board the costs of probation monitoring pursuant to section 3527, subdivision (f), of the Code;  
14 and
- 15 4. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: February 5, 2019

  
18 MAUREEN L. FORSYTH  
19 Executive Officer  
20 Physician Assistant Board  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant  
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